

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Blake DeCONINCK, individually and on behalf of	)	Civ. No. 23-cv-00215-NEB-ECW
all others similarly situated,	)	
	)	CLASS ACTION
Plaintiff,	)	
	)	STIPULATION EXTENDING
vs.	)	TIME FOR DEFENDANT
	)	PENTAGON FEDERAL CREDIT
PENTAGON FEDERAL CREDIT UNION,	)	UNION TO RESPOND TO
	)	PLAINTIFF’S COMPLAINT
Defendant.	)	

Plaintiff Blake DeConinck (“Plaintiff”) and Defendant Pentagon Federal Credit Union (“Defendant” or “PenFed”), submit this stipulation to extend the time for Defendant to answer or otherwise respond.

WHEREAS, on January 30, 2023, a summons was issued as to Defendant by the Clerk of Court regarding the Complaint filed by Plaintiff in the above-captioned matter (ECF No. 3);

WHEREAS, on February 6, 2023, Plaintiff filed an affidavit attesting to service effected by handing and leaving the summons and Complaint with Michael Creed, which the affidavit states is a Managing Agent of PenFed, thereby setting the deadline for PenFed to respond to the Complaint for February 21, 2023 (ECF No. 4);

WHEREAS, PenFed disputes that Mr. Creed is a Managing Agent of PenFed such that service was properly effected;

WHEREAS, Plaintiff disputes that service of the Complaint was not properly effected;

WHEREAS, During a meet and confer on February 16, 2023, PenFed, through its counsel, agreed to avoid a service-related dispute and to accept service via counsel pursuant to Federal Rule of Civil Procedure (“Rule”) 4(d)(3);

WHEREAS, Rule 4(d)(3) provides a defendant with 60 days to respond to a complaint when service has been waived;

WHEREAS, Plaintiff and Defendant,<sup>1</sup> through their respective counsel, agree to extend the time for Defendant to respond to Plaintiff’s Complaint in accordance with Rule 4(d)(3),

WHEREAS, Plaintiff will be filing a motion to extend the deadline for Defendant to answer or otherwise respond to the Complaint to April 17, 2023;

**IT IS HEREBY STIPULATED** and agreed to by the Parties that service of the Complaint has been effective contingent upon the Court’s granting of Plaintiff’s motion to extend the deadline for Defendant to answer or otherwise respond to the Complaint to April 17, 2023.

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<sup>1</sup> Recently-retained counsel for Defendant consented to the filing of this Stipulation and corresponding motion by Plaintiff, but Defendant waives no rights, other than to challenge service as set out herein, by doing so.

Dated: February 17, 2023

By: /s/Daniel E. Gustafson  
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*\* Pro hac vice applications forthcoming*